

**REMARKS**

Claims **23-96 and 99** are pending in the application.

Claims **23-96 and 99** stand rejected.

Claims **23, 37, 46, 55, 65, 73, 81** and **89** have been amended.

Claim **99** has been cancelled.

*Rejection of Claims under 35 U.S.C. §101*

Claims 46-64, 81-96 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants respectfully traverse this rejection.

Claims 55-64 and 89-96 are drawn to an apparatus. Claims have been amended to clearly demonstrate that these claims are directed to hardware. With respect to claims 55 and 89, Applicant has amended these means-plus-function claims to include specific hardware in the form of a processor. To further clarify that this is a specific form of hardware, Applicants have also recited that the respective means and processor are communicatively coupled. Accordingly, the rejection of these claims is believed to have been overcome.

Claims 46-54 and 81-88 are drawn to a computer program product comprising instructions, executable on a computer system, configured to perform the steps of the invention. As is recited, these instructions are encoded on a computer readable storage medium. The Examiner appears to imply that, because the program instructions encoded on a computer readable storage medium are not necessarily executed, the computer readable storage medium encoding the program instructions cannot be statutory subject matter. However, this reasoning is akin to stating that because an electronic device is not necessarily plugged in and powered on (and thus is not necessarily performing its intended function), that electronic device cannot be

statutory subject matter, which is clearly not the case. Apparatus claims differ from method claims in that apparatus claims recite structure (such as a computer readable storage medium that encodes program instructions) for performing a function while method claims recite the function itself. Apparatus claims cover the apparatus described in the claims, regardless of whether the apparatus is ever used to perform the function it is designed to perform. Accordingly, just because the program instructions are not necessarily executed has no bearing on whether the computer readable medium encoding the program instructions is statutory subject matter.

Furthermore, computer program product claims have long been recognized as statutory. As noted in the Patent Office's "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (October 26, 2005) ("Interim Guidelines"), "a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory." See Interim Guidelines, Annex IV (citing *In re Lowry*, 32 F. 3d 1579, 1583-84 (Fed. Cir. 1994)). Accordingly, Applicant respectfully submits claims 46-54 and 81-88 are clearly statutory. As such, Applicants respectfully request the withdrawal of this rejection.

*Rejection of Claims under 35 U.S.C. §102*

Claims 23-96 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ankireddipally et al., U.S. Patent No. 6,772,216. Applicant has amended independent claims 23, 37, 46, 55, 65, 73, 81 and 89 to include the limitations of (now cancelled) claim 99. Applicant

therefore respectfully submits that the rejection of claims 23-96 under 35 U.S.C. § 102(e) is overcome thereby.

*Rejection of Claims under 35 U.S.C. §103*

Claim 99 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over by Ankireddipally, et al., in view of Campbell et al., U.S. Patent Publication No. 2001/0024497 (“Campbell”). Applicant responds to this rejection in light of the limitations of claim 99 being included in amended independent claims 23, 37, 46, 55, 65, 73, 81 and 89.

While not conceding that the cited references qualify as prior art, but instead to expedite prosecution, Applicant has chosen to respectfully disagree and traverse the rejection as follows. Applicant reserves the right, for example, in a continuing application, to establish that the cited references, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

In order for a claim to be rendered invalid under 35 U.S.C. § 103, the subject matter of the claim as a whole would have to be obvious to a person of ordinary skill in the art at the time the invention was made. *See* 35 U.S.C. § 103(a). This requires: (1) the reference(s) must teach or suggest all of the claim limitations; (2) there must be some teaching, suggestion or motivation to combine references either in the references themselves or in the knowledge of the art; and (3) there must be a reasonable expectation of success. *See* MPEP 2143; MPEP 2143.03; *In re Rouffet*, 149 F.3d 1350, 1355-56 (Fed. Cir. 1998).

At the outset, while maintaining points made in earlier Office Action responses, Applicant respectfully notes the fundamental structure of the invention, as claimed in amended independent claims 23, 37, 46, 55, 65, 73, 81 and 89, is generally directed to methods, systems

and so on, that receive an incoming customer support request and route that request as a work item to an agent using the claimed message. This distinction is borne out by comparing the claimed invention with the systems disclosed in Ankireddipally and Campbell.

In this regard, amended independent claim 23 now recites:

23. A method of inter-module communication comprising:  
forming a message, wherein  
said forming comprises  
inserting customer relations management system information and other  
customer relations management system information into said  
message,  
configuring said message to be pushed from a customer relations  
management system by encoding at least a portion of said message  
in a markup language,  
receiving an incoming customer support request at said customer relations  
management system, wherein said customer relations management  
system receives said incoming customer support request from a  
channel driver in communication with a communications channel,  
and  
causing said customer relations management system to route said  
incoming customer support request as a work item to an agent  
using said message,  
said customer relations management system information comprises at least one of  
agent information and work item information,  
said agent information comprises information regarding said agent,  
said work item information comprises information regarding said work item,  
said other customer relations management system information is other than said  
agent information and said work item information, and  
said other customer relations management system information comprises at least  
one of a command, a request and a notification.

Applicant respectfully notes that amended independent claims 37, 46, 55, 65, 73, 81 and 89 now recite, among other limitations, limitations substantially similar to those presented above.

By contrast, Ankireddipally is directed to:

“A general purpose application interaction protocol, referred to herein as the Commerce Exchange Interaction Protocol (CXIP), governs the exchange of data between applications resident in computers in a distributed network such as the Internet, providing for application interoperability. CXIP enables process communications among network-distributed software applications, particularly, but not exclusively, among software applications having dissimilar platforms, language dependencies or vendor dependencies. Data structures, object and method invocation requests are exchanged between applications by means of XML documents based on CXIP semantics. The application interaction protocol, which is not specific to any particular functional domain and specifies interactions that are independent of transactional content, includes four component parts: message formats, message types, exchange semantics and transportation assumptions. CXIP-based interactions use TCP/IP as their underlying transport mechanism, although CXIP may be implemented using SMTP or FTP, or on top of any other standard application-layer protocol, including HTTP.”

(Ankireddipally; Abstract)

By further contrast, Campbell is directed to:

“A system and method ... for servicing multi media customer communications to geographically distributed agents from multiple call center sites via the telephone network and a global data communications network. The system provides separate interface ports to the telephone network and a global data communications network, eliminating a potential choke point for limiting communications performance. Multi media workflow provides common elements for handling diverse media event types. The system a novel algorithm for skill based matching the attributes of multiple media events to the attributes of multiple call center agents. Universal queuing is provided to enable effective use of skill based matching features. A unique method for allocating voice trunk lines provides greater efficiency of available voice communication channels and maximizes agent available to customers.” (Campbell; Abstract)

As an initial matter, Applicant respectfully submits that, among other infirmities, the Office Action correctly notes that Ankireddipally fails to show, teach or suggest:

“...

receiving an incoming customer support request at said customer relations management system, wherein said customer relations management system receives said incoming customer support request from a channel driver in communication with a communications channel, and

causing said customer relations management system to route said incoming customer support request as a work item to an agent using said message, ...”

The Office Action turns to Campbell to cure this infirmity. Unfortunately, the approach taken in Campbell is counter to that of the claimed invention, and so fails to address the noted shortcoming of Ankireddipally. The Office Action posits the former limitation is taught by Campbell at para. 41:

“Referring now to FIG. 1, components of the invented customer communication service system (CSS) 100 are shown. The CSS 100 contains an interface to a telephone network 101. The telephone network 101 provides connections to voice clients or callers 102, and to agents 103 who receive and process calls from the voice clients. The agents 103 also have a connection or connections to the Internet 104. Each agent 103 may be hosted on a personal computer, a workstation, a network terminal or other system and has a display apparatus (such as a CRT or VDU) and at least one input apparatus (such as a keyboard and mouse) allowing the agent to view data and enter information. Clients 105 may connect through the Internet 104 to send and receive information with the agents 103.” (Campbell, para. 41)

This passage merely describes a technique for call center management. Applicant respectfully submits that neither this passage nor, insofar as Applicant is able to discern, the remainder of

Campbell, shows, teaches or suggests receiving an incoming customer support request at a customer relations management system from a channel driver in communication with a communications channel. Certainly, the Office Action fails to successfully draw any parallel between the recited limitations and anything in Campbell (or Ankireddipally, for that matter).

Moreover, Applicant respectfully submits that neither Ankireddipally nor Campbell show, teach or suggest causing a customer relations management system to route an incoming customer support request as a work item to an agent using a message such as the claimed message. The Office Action correctly notes that Ankireddipally, which is directed to a general purpose application interaction protocol, is lacking in this regard. Campbell is also infirm in this regard (as well as others). Campbell is only directed to servicing multi media customer communications – nothing in Campbell shows, teaches or suggests the use of a channel driver, push technology, the claimed message or numerous other of the limitations recited in the amended independent claims.

While Campbell's approach may result in information being presented in multimedia form, Campbell fails to show, teach or suggest causing a customer relations management system to route an incoming customer support request as a work item to an agent using a message such as that claimed. With regard to the limitation:

“...

causing said customer relations management system to route said incoming customer support request as a work item to an agent using said message, ...”



the Office Action cites the following sections as teaching the recited limitations:

“The agent mapper 606 is a service that is used to map a specific media event (for example an inbound call or Internet chat) to a specific subscriber.”  
(Campbell, para. 80)

“The customer schedule manager 603 allows both resource matching and workflow to be able to modify functional behavior based upon agent-defined schedules. For example, a customer might define one schedule for weekdays, another for weeknights, another for Saturday morning, another for one type of holiday, and the like. Schedule management is a subsystem that allows resource matching and workflow to be customized according to date and time dependencies of particular subscribers.” (Campbell, para. 82)

“When calls are received at a CTI call center, they are placed into a queue until an agent is available to take the call. In the CTI call center, typically an agent using a telephone station connected to the central switch also has access to a computer terminal. The central switch may consist of hardware and software that control a call from the time it arrives until the service agent answers it. The central switch provides the interface with the customer (allowing the customer to hear messages and music, etc.) and may also perform other functions such as gathering information about the call and the customer before routing the call to an

available service agent. The Telephony Switching Apparatus (TSA) software routes the call to a knowledgeable and available service agent using knowledge obtained about the caller and the caller's needs.

In addition to using the medium of voice, other media are used to attempt to efficiently handle the large volume of customer contacts processed by a call center and to improve caller customer service. Other media include chat, voice mail messages, electronic mail, facsimile messages and video messages. The agent's computer terminal may be used to access databases of stored data and information about the call and caller may also be displayed on the computer screen for the agent. The computer terminal may be interconnected by a network to a server, which contains the CTI software.

However, many of these other media are not integrated into the call center processing. There is often no way to track the performance of the call center for some or all of the media. Usually, the call center system does not capture and process these different communication media seamlessly and simultaneously. The result is that the service agent does not have an integrated communication interface with the caller which can result in a slower and less than satisfactory processing of the call.” (Campbell, para. 16-18)

These cited portions, while generally relevant to the management of call centers, fail to show, teach or suggest the limitations for which they are cited. Scheduling resources and pre-defined media event mappings fail to demonstrate even a recognition of the claimed causing a

customer relations management system to route an incoming customer support request as a work item to an agent using a message such as that claimed.

Applicant therefore respectfully submits that the Office Action does not establish the presence of these limitations in Ankireddipally or Campbell, taken alone or in any permissible combination. As will be appreciated, the Office Action bears the burden of supporting a case of obviousness, including whether the prior art references teach or suggest all of the claim limitations. *See* MPEP 706.02(j).

For at least the foregoing reasons, Applicant respectfully submits that amended independent claims 23, 37, 46, 55, 65, 73, 81 and 89, and all claims dependent thereon, are in condition for allowance. Applicant therefore requests the Examiner's reconsideration of the rejection of those claims.

**CONCLUSION**

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,

/ Samuel G. Campbell, III /

Samuel G. Campbell, III  
Attorney for Applicants  
Reg. No. 42,381  
Telephone: (512) 439-5084  
Facsimile: (512) 439-5099